



Practitioner's Docket No. 902.553-1

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Spruyt et al.

Application No.: 10/082,631

Group No.: 2662

Filed: February 22, 2002

Examiner: John Pezzlo

For: MODULATION/DEMODULATION OF A PILOT CARRIER, MEANS AND  
METHOD TO PERFORM THE MODULATION/DEMODULATION

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT TRANSMITTAL**

1. Transmitted herewith is an amendment for this application.

**STATUS**

2. Applicant is
- ☐ a small entity. A statement:
    - ☐ is attached.
    - ☐ was already filed.
  - ☒ other than a small entity.

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**CERTIFICATE OF MAILING/TRANSMISSION UNDER 37 C.F.R. §1.8(a)**


I hereby certify that this correspondence is, on the date shown below, being:

**MAILING**

☒ deposited with the United States Postal Service with sufficient postage as first-class mail, in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313

**FACSIMILE**

☐ transmitted by facsimile to the U.S. Patent and Trademark Office.

  
\_\_\_\_\_  
Signature

Date: 8-4-04

Cathy Sturmer  
\_\_\_\_\_  
(type or print name of person certifying)

**EXTENSION OF TERM**

NOTE: "Extension of Time in Patent Cases (Supplement Amendments) - If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).

NOTE: See 37 C.F.R. §1.645 for extensions of time in interference proceedings, and 37 C.F.R. §1.550(c) for extensions of time in reexamination proceedings.

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. §1.136 apply.

(complete (a) or (b), as applicable)

- (a) ☐ Applicant petitions for an extension of time under 37 C.F.R. §1.136 (fees: 37 C.F.R. §1.17(a)(1)-(4)) for the total number of months checked below:

<u>Extension (months)</u>	<u>Fee for other than small entity</u>	<u>Fee for small entity</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 400.00	\$200.00
<input type="checkbox"/> three months	\$ 920.00	\$460.00
<input type="checkbox"/> four months	\$1,440.00	\$720.00

Fee: \$ \_\_\_\_\_

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- ☐ An extension for \_\_\_\_\_ months has already been secured. The fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_\_

OR

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

### FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. §1.16(b)-(d)) has been calculated as shown below:

(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY			OTHER THAN A SMALL ENTITY	
CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	ADDIT. RATE	FEE	OR	ADDIT. RATE	FEE
TOTAL:	MINUS 20	= 0	x \$9 =	\$		x \$18 =	\$
INDEP:	MINUS 3	= 0	x \$42 =	\$		x \$84 =	\$
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM			+ \$140 =			+ \$280 =	
			TOTAL ADDL. FEE	\$		TOTAL ADDL. FEE	\$ 0.00

WARNING: "After final rejection or action (§1.113) amendments may be made cancelling claims or complying with any requirement of form which has been made." 37 C.F.R. §1.116(a) (emphasis added).

(complete (c) or (d), as applicable)

(c) ☒ No additional fee for claims is required.

OR

(d) ☐ Total additional fee for claims required is \$\_\_\_\_\_.

### FEE PAYMENT

5. ☐ Attached is a check in the sum of \$\_\_\_\_\_.

☐ Charge Account No. \_\_\_\_\_ the sum of \$\_\_\_\_\_. A duplicate of this transmittal is attached.

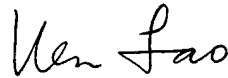
**FEE DEFICIENCY**

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986 (1065 O.G. 31-33).

6. ☒ If any additional extension and/or fee is required, charge Account No. 23-0442

*AND/OR*

☒ If any additional fee for claims is required, charge Account No. 23-0442.



Signature of Practitioner

Reg. No.: 40,061

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Serial No.: 10/082,631 : Examiner: John Pezzlo

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**RESPONSE TO FINAL OFFICE ACTION (Paper No.10)**

Sir:

This responds to the Final Office Action, mailed May 17, 2004.

In the patent application, claims 4-12 are pending. In the office action, all pending claims are rejected.

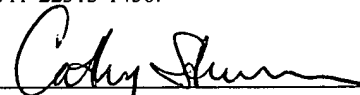
At page 2 of the office action, claims 4-12 are rejected under 35 U.S.C. 102(e) as being anticipated by *Timm et al.* (U.S. Patent No. 6,055,268, hereafter referred to as *Timm*). The Examiner alleges that *Timm* discloses a VDSL modem as claimed.

In the claimed invention, three elements are involved:

1. user data elements modulating a carrier;
2. a pilot carrier multiplexed with the carrier; and
3. the pilot carrier modulated with part of the user data elements.

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I hereby certify that this correspondence is being deposited today,  
August 4, 2004, with the United States Postal Service with  
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Cathy Sturmer